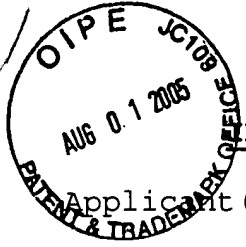


PCT \$  
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Dkt. #1031-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Anders OEHRVIK and Staffan ERIKSSON

U.S. Serial No.: 10/522,870, National Stage application of  
International Application No.  
PCT/EP2003/007547, filed July 11, 2003, which  
claims priority of E.P. Serial No.  
02017004.9, filed July 27, 2002

Filed : January 26, 2005

For : METHOD FOR DETERMINATION OF THYMIDINE KINASE  
1 ACTIVITY AND THE USE THEREOF

Law Offices of Albert Wai-Kit Chan, LLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, NY 11357

July 29, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**COMMUNICATION IN RESPONSE TO JUNE 29, 2005 NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) AND TO RESUBMIT THE  
DECLARATION OF THE INVENTORS**

This Communication is being filed in response to the June 29, 2005 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (hereinafter as "Notice") issued by the United States Patent and Trademark Office (USPTO) in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit 1** (2 pages). The deadline to respond to the Notice without a fee is September 27, 2005. Accordingly, this Communication is being timely filed.

Applicant(s) : Anders OEHRVIK and Staffan ERIKSSON  
U.S. Serial No.: 10/522,870  
Filed : January 26, 2005  
Page : 2

### Declaration

Applicants have previously submitted the original executed Declaration on June 10, 2005 along with a check in the amount of One Hundred and Thirty Dollars (\$130.00).

However, the Notice indicated the Declaration must be furnished within the applicable time period to complete the requirements for acceptance of this application under 35 U.S.C. 371. Applicants undersigned Attorney's office contacted the USPTO on July 21, 2005 to inquire whether the original declaration was received.

Applicants' undersigned Attorney's office was informed by Ms. Barbara Campbell to resubmit the June 10, 2005 Communication. Applicants hereby resubmit a true copy of the June 10, 2005 Communication as **Exhibit 2** (7 pages) including a copy of the duly executed declaration of the inventors.

### Sequence Listing

The June 29, 2005 Notice further indicated that this application does not contain a Sequence Listing as required by 37 CFR 1.821(c), and that a copy of the Sequence listing in computer readable form has not been submitted.

In response, Applicants respectfully maintain that the application does not contain any nucleotide sequences, and therefore, a sequence listing in paper and computer readable form is not required to satisfy the requirements of 35 U.S.C 371.

Applicant(s) : Anders OEHRVIK and Staffan ERIKSSON  
U.S. Serial No.: 10/522,870  
Filed : January 26, 2005  
Page : 3

CONCLUSION

Applicants have fulfilled all requirements under 35 U.S.C. 371. Accordingly, Applicants respectfully request the Commissioner to acknowledge that this application is in compliance with the requirements under 35 U.S.C. 371.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891. Conversely, authorization is also hereby given to credit the amount of any overpayment to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan

Albert Wai-Kit Chan  
Registration No. 36,479  
Attorney for Applicants  
Law Offices of  
Albert Wai-Kit Chan, LLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, New York 11357  
Tel: (718) 799-1000  
Fax: (718) 357-8615  
Email: chank@kitchanlaw.com

I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Albert Wai-Kit Chan 7/29/05  
Albert Wai-Kit Chan Date  
Reg. No. 36,479

Rec'd PCT/PTO 01 AUG 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,870	Anders Oehrvik	1031-PCT-US

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP03/07547

LA. FILING DATE	PRIORITY DATE
07/11/2003	07/27/2002

Albert Wai-Kit Chan  
 Law Offices of Albert Wai-Kit Chan  
 World Plaza Suite 604  
 141-07 20th Avenue  
 Whitestone, NY 11357

CONFIRMATION NO. 5236

371 FORMALITIES LETTER



\*OC000000016404712\*

Date Mailed: 06/29/2005

9/27/05

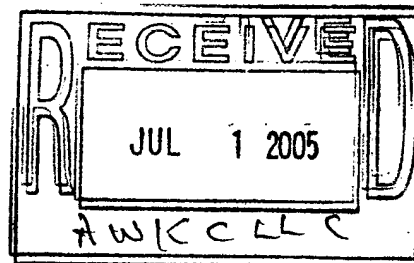
2/27/06 Acc. dead.

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

paper ACC  
 Elec ACC

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/26/2005
- Copy of the International Search Report filed on 01/26/2005
- Preliminary Amendments filed on 01/26/2005
- Information Disclosure Statements filed on 01/26/2005
- Copy of references cited in ISR filed on 01/26/2005
- U.S. Basic National Fees filed on 01/26/2005
- Priority Documents filed on 01/26/2005



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and

a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,870	PCT/EP03/07547	1031-PCT-US

Applicants: Anders OEHRVIK and Staffan ERIKSSON File No.: 1031-PCT-US  
Client: De Simone & Partners (405)  
Date: June 10, 2005

Kindly acknowledge receipt of the accompanying

COMMUNICATION TO SUBMIT ORIGINAL DECLARATION & POWER OF ATTORNEY for Anders OEHRVIK and Staffan ERIKSSON, for METHOD FOR DETERMINATION OF THYMIDINE KINASE 1 ACTIVITY AND THE USE THEREOF, U.S. Serial No.10/522,870, Filed January 26, 2005, corresponding to International Application No. PCT/EP2003/007547, filed July 11, 2003, which claims priority of E.P. Serial No. 02017004.9, filed July 27, 2002, including a check in the amount of ONE HUNDRED AND THIRTY DOLLARS (\$130.00) and Exhibit 1 (2 pages).

by placing your receiving date stamp hereon and returning to us.

LAW OFFICES OF ALBERT

WAI-KIT CHAN, LLC

WORLD PLAZA, SUITE 604 PH 718-357-8836  
141-07 20TH AVENUE  
WHITESTONE, NY 11357

Assistant Commissioner for Patent

PAY TO THE ORDER OF

One hundred thirty Dollars

DATE 6/10/05

\$ 130.00 DOLLARS

HSBC

HSBC Bank USA Flushing, NY 11367

FOR Dkt. # 1031-PCT-US

Albert Wai Kit Chan

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PCT/PTO

01 AUG 2005

**FILE**

Rec'd PCT/PTO 01 AUG 2005

Applicants: Anders OEHRVIK and Staffan ERIKSSON      File No.: 1031-PCT-US  
Client: De Simone & Partners (405)  
Date: June 10, 2005

Kindly acknowledge receipt of the accompanying

COMMUNICATION TO SUBMIT ORIGINAL DECLARATION &  
POWER OF ATTORNEY for Anders OEHRVIK and Staffan ERIKSSON,  
for METHOD FOR DETERMINATION OF THYMIDINE KINASE 1  
ACTIVITY AND THE USE THEREOF, U.S. Serial No.10/522,870, Filed  
January 26, 2005, corresponding to International Application No.  
PCT/EP2003/007547, filed July 11, 2003, which claims priority of E.P. Serial  
No. 02017004.9, filed July 27, 2002, including a check in the amount of ONE  
HUNDRED AND THIRTY DOLLARS (\$130.00) and Exhibit 1 (2 pages).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Anders OEHRVIK and Staffan ERIKSSON

U.S. Serial No.: 10/522,870, corresponding to International Application No. PCT/EP2003/007547, filed July 11, 2003, which claims priority of E.P. Serial No. 02017004.9, filed July 27, 2002

Filed : January 26, 2005

For : METHOD FOR DETERMINATION OF THYMIDINE KINASE 1 ACTIVITY AND THE USE THEREOF

Law Offices of Albert Wai-Kit Chan, LLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, NY 11357

June 10, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

COMMUNICATION TO SUBMIT ORIGINAL DECLARATION & POWER OF ATTORNEY

This Communication is being filed, pursuant to 37 C.F.R. 1.497(a), to submit the original Declaration & Power of Attorney, duly executed by the inventors of the above-identified application. A copy of the original Declaration & Power of Attorney is attached hereto as **Exhibit 1** (2 pages). 37 CFR 1.492(e) states that a surcharge is required for the filing of the oath or declaration later than 30 months from the earliest claimed priority date. Applicants' earliest claimed priority date is July 27, 2002, with the 30-month period expiring on January 27, 2005. Accordingly, Applicants hereby enclose a check in the amount of ONE HUNDRED AND THIRTY DOLLARS (\$130.00) to cover the above-mentioned surcharge.



Applicant(s) : Anders OEHRVIK and Staifan ERIKSSON  
U.S. Serial No.: 10/522,870  
Filed : January 26, 2005  
Page : 2

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the ONE HUNDRED AND THIRTY DOLLARS (\$130.00), is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891. Conversely, authorization is also hereby given to credit the amount of any overpayment to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

Albert Wai-Kit Chan  
Registration No. 36,479  
Attorney for Applicants  
Law Offices of  
Albert Wai-Kit Chan, LLC  
World Plaza, Suite 604  
141-07 20<sup>th</sup> Avenue  
Whitestone, New York 11357  
Tel: (718) 799-1000  
Fax: (718) 357-8615  
Email:chank@kitchanlaw.com

I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Albert Wai Kit Chan  
Albert Wai-Kit Chan  
Reg. No. 36,479

6/10/05  
Date